

**William F. Crowell**

August 30, 2010

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Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 - 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

Re: Application of William F. Crowell to renew Amateur Service license W6WBJ  
WT Docket No. 08-20; FCC file no. 0002928684

Dear Secretary Dortch:

I am the applicant-licensee in the above-entitled case.

Enclosed you will please find the original and six (6) copies of my Reply to Order to Show Cause (10M-04) and Petition to Disqualify the ALJ in the above case.

Please file and docket this document. Thank you for your cooperation.

Yours very truly,

  
WILLIAM F. CROWELL

via USPS Overnight Mail, Delivery Guaranteed

WFC:wfe

encls.

cc: P. Michele Ellison, Chief, Enforcement Bureau, Federal Communications  
Commission, 445 12th Street, S.W., Washington, D.C. 20554

Federal Communications Commission, Enforcement Bureau, Investigations and  
Hearings Division. ATTN: Judy Lancaster, 445 12th Street, S.W., Room 4-C330  
Washington, D.C. 20554

1110 Pleasant Valley Road, Diamond Springs, California 95619  
(530) 295-0350; email: [retroguybilly@gmail.com](mailto:retroguybilly@gmail.com)

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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In the Matter of ) WT Docket No. 08-20  
)  
WILLIAM F. CROWELL ) FCC File No. 0002928684  
)  
Application to Renew License for Amateur )  
Radio Service Station W6WBJ )

To: Marlene H. Dortch, Secretary  
Federal Communications Commission

Attn: Richard L. Sippel  
Administrative Law Judge

**APPLICANT'S REPLY TO ORDER TO SHOW CAUSE  
AND PETITION TO DISQUALIFY ALJ**

**Table of Contents**

	<u>Page</u>
Caption and Title.....	1
Summary.....	2
Introduction and Factual Background.....	2
Reply to Order to Show Cause and Petition for Disqualification.....	8
Response to Paragraph 4 of Order 10M-04.....	11
Response to Paragraph 5 of Order 10M-04.....	15
Response to Paragraph 6 of Order 10M-04.....	16
Response to Paragraph 7 of Order 10M-04.....	18

	<u>Page</u>
Response to Paragraph 8 of Order 10M-04.....	18
Response to Paragraph 9 of Order 10M-04.....	18
Response to Paragraph 10 of Order 10M-04.....	19
Response to Paragraph 11 of Order 10M-04.....	21
Response to Paragraph 12 of Order 10M-04.....	21
Response to Paragraph 13 of Order 10M-04.....	24
Response to Paragraph 14 of Order 10M-04.....	25
Response to Paragraph 15 of Order 10M-04.....	26
Response to Paragraph 16 of Order 10M-04.....	27
Response to Paragraph 17 of Order 10M-04.....	29
Response to Paragraph 18 of Order 10M-04.....	31
Response to Paragraph 19 of Order 10M-04.....	32
Response to Paragraph 20 of Order 10M-04.....	33
Prayer for Relief.....	34
Verification.....	35
Certificate of Electronic Service and of Service by Mail.....	36

### **SUMMARY**

By his Order No. 10M-04, the ALJ ordered Applicant to show cause by September 3, 2010 why abuse of process charges should not be added to the within case. Applieant hereby does so. In addition, Applicant hereby petitions the ALJ to disqualify himself from hearing this case due to his clear and demonstrated immorality and his obvious and blatant bias and prejndice against Applicant.

### **INTRODUCTION AND FACTUAL BACKGROUND**

I have been a licensee in the Commission's amateur service for roughly 50 years. I never had any problem with the Commission nntil, after 15 years of admitted failure to enforce the amateur rules, one Riley Hollingsworth beecame chief of amateur enforcement for the Enforcement Bureau.

Hollingsworth deliberately misinterpreted Part 97 in order to try to show "instant action" on amateur enforcement, and to make his job easier. One way in which he did so was to "interpret" §97.101(b), which requires amateurs to share their frequencies and prohibits any amateur from claiming an exclusive frequency assignment, totally out of existence. He thereupon converted the Bureau's enforcement regime into a giant popularity contest, under which any amateur licensee who didn't happen to like another amateur's participation in a roundtable QSO would complain to Hollingsworth, and Hollingsworth would order the station against whom the complaint was filed to permanently leave the frequency by falsely claiming the station was intentionally interfering with the QSO, rather than requiring the complaining station to share the frequency, as it was required to do under §97.101(b).

Hollingsworth also disparaged and defamed such amateurs without any cause whatsoever by placing his ill-founded allegations on the internet for other amateurs to see, before the station charged even had a chance to defend himself.

Hollingsworth sent Applicant a warning notice alleging that he was violating §97.1, the "Basis and Purpose" (i.e., preamble) section of Part 97, merely because he desired to participate in a roundtable QSO. The problem with that theory was that §97.1 prohibits nothing. Hollingsworth thereby ignored §97.101(b)'s requirement that the complaining station, who was essentially requesting an exclusive frequency assignment, *must share the frequency* with Applicant. Hollingsworth well knew that §§ 97.101(b) and (d) were the pertinent regulations, but he deliberately failed to charge a §97.101(d) violation in said warning notice because he knew he couldn't

prove it. Said warning notice, as well as §1.17 of the Commission's Rules of Practice and Procedure<sup>1</sup>, demanded that Applicant reply thereto "fully and candidly", and that he include *all material information* in his response, and Applicant did so. Then Hollingsworth decided that Applicant had been *too candid*, and had included *too much material information*, in denying the Bureau's allegations. At that point Hollingsworth concocted a vendetta against Applicant, purely in order to retaliate against him for pointing out Hollingsworth's incompetence, ineptitude and lack of knowledge of the amateur radio law. Hollingsworth sent emails to various amateurs stating that Applicant was a "dickhead" and that other hams were not to talk to him<sup>2</sup>, presumably on pain of enforcement action if they did so, and stating that he never read anything Applicant said in his own defense because he had set his email server to "auto-delete" everything received from Applicant<sup>3</sup>. He then tried to concoct a scheme whereby other stations would deliberately try to set Applicant up for an "intentional interference" or "one-way transmission" violation by refusing to talk to him (again, under an implied threat of enforcement action if they *did* talk to him) and then claiming that his identifying transmissions [which are *required* by §97.119(a)] constituted "jamming"<sup>4</sup>. He informed Applicant that his response was "irrelevant and frivolous", which of course was not true because Hollingsworth had failed to allege any violation of §97.101(d) and it was perfectly relevant and proper for Applicant to point it out. In short, Hollingsworth tried to constructively rescind Applicant's license grant without benefit of due process.

1 47 C.F.R., Chapter I, Part I, Subpart A, §1.17.

2 Applicant's Responses to Enforcement Bureau's Requests for Production of Documents, Exhibit B-3.

3 Applicant's Responses to Enforcement Bureau's Requests for Production of Documents, Exhibit B-2.

4 Applicant's Supplemental Responses to Enforcement Bureau's Requests for Production of Documents, Exhibit B-1.

Applicant criticized Hollingsworth and the Enforcement Bureau on the internet (as he had the perfect right to do under the First Amendment to the U.S. Constitution) for their ignorance, ineptitude and deliberate misinterpretation of Part 97. For example, Applicant suggested that Hollingsworth's tenure as "SCARE" (Special Counsel for Amateur Radio Enforcement) resembled nothing so much as a 10-year period of onanism. Two typical such pictures may be viewed here:

[http://www.directcon.net/retroguybilly/riley\\_works\\_hard.gif](http://www.directcon.net/retroguybilly/riley_works_hard.gif)

<http://www.directcon.net/retroguybilly/danger.jpg>

Applicant also suggested that Hollingsworth's enforcement efforts resembled those of Colonel Klink in the television series "Hogan's Heroes" (i.e., an inept, incompetent would-be dictator). A few typical such pictures may be viewed here:

[http://www.directcon.net/retroguybilly/Klink\\_Hollingsworth.jpg](http://www.directcon.net/retroguybilly/Klink_Hollingsworth.jpg)

<http://www.directcon.net/retroguybilly/ICan'tBelieveIt'sNotHitler.jpg>

<http://www.directcon.net/retroguybilly/jerk.jpg>

<http://www.directcon.net/retroguybilly/future.jpg>

[http://www.directcon.net/retroguybilly/stupidity\\_cant\\_regulate.gif](http://www.directcon.net/retroguybilly/stupidity_cant_regulate.gif)

Applicant further satirized Hollingsworth by suggesting that if "Col. Klink-Hollingsworth" tried to utilize direction finding near Applicant's location, he might wander onto the neighboring property of the "redneck slope-heads" and be repeatedly and painfully anally raped, as happened to the pro-

tagonist in the movie "Deliverance". (Of course, Applicant would *never* condone such an anal rape because it would no doubt be *really traumatic* to Hollingsworth were he to lose his anal virginity in such a fashion.) Two typical such pictures may be viewed here:

[http://www.directcon.net/retroguybilly/purdy\\_mouth.jpg](http://www.directcon.net/retroguybilly/purdy_mouth.jpg)

[http://www.directcon.net/retroguybilly/riley\\_butt-fucked.gif](http://www.directcon.net/retroguybilly/riley_butt-fucked.gif)

Applicant had a perfect free-speech right to post such pictures on the internet because they constitute pure political speech, which is entitled to the highest form of protection under the First Amendment.

The Enforcement Bureau retaliated against Applicant for thus exercising his free-speech rights by designating his renewal application for a hearing. (Incidentally, Applicant intends to continue to exercise his free-speech rights by posting critical and sarcastic materials and parodies about Riley Hollingsworth, Bureau Counsel, Scot Stone and the ALJ on the internet whenever he feels like doing so.)

Applicant sent his pleadings and motions to the Commission's Secretary by overnight mail and has documentary proof that they were delivered to the Commission in a timely fashion, yet the papers were sent to an outlying facility for irradiation against anthrax spores before the Secretary would file them. Therefore they were not filed in a timely fashion, as required by Commission Rule of Practice and Procedure 1.7<sup>5</sup> and Applicant's motions were denied on said ground. Yet when Applicant raised the issue, the ALJ and the Bureau began falsely and immorally claiming that Applicant had

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<sup>5</sup> 47 C.F.R., Chapter I, Part I, Subpart A, §1.7.

made a "verbal assault" against the Commission Secretary by pointing out that the Commission Secretary had not filed his papers when received.

Then, in order to cover itself, the Bureau began claiming that the Commission Secretary had filed the papers, dated retroactively to the date actually received, after receiving them back from the irradiation facility. However, that argument was irrelevant because even if the Secretary did so, it was too late to remedy the denial of Applicant's motions due to their previous alleged "untimely" filing.

In an informal telephone conference on May 20, 2010, Applicant informed the ALJ that he had documentary proof from the U.S. Postal Service that the Commission Secretary was *not* filing his papers when received, and requested permission to brief the issue and to present his documentary evidence thereon. However, because he is an immoral person, the ALJ angrily denied Applicant's said request, thereby entirely denying him due process. But even though the ALJ immorally denied Applicant the right to brief the timely-filing issue, and in a further display of his blatant immorality, he proceeded to rule in FCC 10M-04 that the Secretary *had* filed Applicant's papers in a timely fashion, and that there was "no evidence to the contrary". This was another obvious and immoral denial of Applicant's due process rights herein, as well as just another attempt by the ALJ to deliberately and immorally mischaracterize Applicant's arguments and the evidence in order to unfairly create a record adverse to Applicant.

Everyone knows why the ALJ is doing this. It is because the ALJ is such an immoral sissy that he is afraid of the Commission's Public Safety and Homeland Security Bureau ("PSHSB"). In other words, the ALJ is such



and immoral, immature pansy that has not the *cojones* to stand up for the due process rights of the litigants appearing before him, and is willing to trash litigants' constitutional and due process rights in order to make things easier for himself and to avoid having any problems with the PSHSB. This clearly demonstrates the ALJ's immorality and deviousness, proving that he has no business serving in a judicial capacity of any kind.

Applicant informed the ALJ in said telephone conference that the ALJ was denying his rights. The ALJ thereupon got extremely angry and yelled at Applicant, thereby further clearly demonstrating his immorality, bias and prejudice against Applicant.

### **REPLY TO ORDER TO SHOW CAUSE AND PETITION FOR DISQUALIFICATION**

Section 1.245 of the Commission's Rules of Practice and Procedure<sup>6</sup> provides as follows:

#### **§ 1.245 Disqualification of presiding officer.**

(a) In the event that a presiding officer deems himself disqualified and desires to withdraw from the case, he shall notify the Commission of his withdrawal at least 7 days prior to the date set for hearing.

(b) Any party may request the presiding officer to withdraw on the grounds of personal bias or other disqualification.

(1) The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification. Such affidavit shall be filed not later than 5 days before the commencement of the hearing unless, for good cause shown, additional time is necessary.

(2) The presiding officer may file a response to the affidavit; and if he believes himself not disqualified, shall so rule and proceed with the hearing.

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<sup>6</sup> 47 C.F.R., Chapter 1, Part 1, Subpart A, § 1.245

(3) The person seeking disqualification may appeal a ruling of disqualification, and, in that event, shall do so at the time the ruling is made. Unless an appeal of the ruling is filed at this time, the right to request withdrawal of the presiding officer shall be deemed waived.

(4) If an appeal of the ruling is filed, the presiding officer shall certify the question, together with the affidavit and any response filed in connection therewith, to the Commission. The hearing shall be suspended pending a ruling on the question by the Commission.

(5) The Commission may rule on the question without hearing, or it may require testimony or argument on the issues raised.

(6) The affidavit, response, testimony or argument thereon, and the Commission's decision shall be part of the record in the case.

Applicant hereby requests the ALJ to disqualify himself due to his clear and demonstrated immorality; namely, his unfounded antipathy, bias and prejudice against him; his immorality in denying Applicant his due process rights because he is a pansy and a sissy who is afraid of the PSHSB; his lack of morals in deliberately distorting the record and the law in order to unlawfully exercise his authority; and his immoral penchant for gratuitously trashing and disparaging the parties and witnesses who appear before him in order to make himself look like he knows what he is talking about when he does not (e.g., Detective Schilling in Titus) and to improperly insulate the record from attack on appeal. These facts clearly appear from both said Order 10M-04 and from the ALJ's other statements and rulings herein, as will be hereinafter set forth.

Section 1.17 of the Commission's Rules of Practice and Procedure<sup>7</sup> provides as follows:

**§ 1.17 Truthful and accurate statements to the Commission.**

(a) In any investigatory or adjudicatory matter within the Commission's jurisdiction (including, but not limited to, any informal adjudication or

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<sup>7</sup> 47 C.F.R., Chapter I, Part 1, Subpart A, §1.17.

informal investigation but excluding any declaratory ruling proceeding) and in any proceeding to amend the FM or Television Table of Allotments (with respect to expressions of interest) or any tariff proceeding, no person subject to this rule shall;

(1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and

(2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.

(b) For purpose of paragraph (a) of this section, "persons subject to this rule" shall mean the following:

(1) Any applicant for any Commission authorization;

(2) Any holder of any Commission authorization, whether by application or by blanket authorization or other rule;

(3) Any person performing without Commission authorization an activity that requires Commission authorization;

(4) Any person that has received a citation or a letter of inquiry from the Commission or its staff, or is otherwise the subject of a Commission or staff investigation, including an informal investigation;

(5) In a proceeding to amend the FM or Television Table of Allotments, any person filing an expression of interest; and

(6) To the extent not already covered in this paragraph (b), any cable operator or common carrier.

Thus, on the one hand, Applicant is *required* by §1.17 of the Commission's Rules to be truthful and completely honest with the Commission, and not to omit any material information; while, on the other hand, the ALJ threatens him with contempt if he is *too honest* or included *too much* material information.

Any statements by Applicant to which the ALJ may have taken of-

fense, whether made in previous filings or in this Response, merely represented Applicant's good-faith attempt to comply with Rule 1.17 by being completely candid and honest with the Commission and the ALJ and not to omit any material information. Indeed, under Rule 1.17 Applicant could be found guilty of violating the Communications Act if he failed to provide the information contained herein. The ALJ can do nothing to Applicant to retaliate against Applicant for making the statements contained herein because they are compelled by Rule 1.17. It would be fundamentally unfair and a denial of due process to require Applicant to navigate at his peril the waters between the Scylla of Rule 1.17 and the Charybdis of a contempt citation<sup>8</sup>, let alone punishing him for contempt if the ALJ does not happen to approve of his good-faith attempts to navigate those deadly waters.

**Paragraph 4.** The ALJ complains that Applicant requested the ALJ to address the deficiencies of the Bureau's case by the use of his case management powers, and states that Applicant should instead have done so by way of a motion for summary decision. The ALJ's point is well taken. Applicant hereby agrees that, in the future, he will refrain from making such requests in the context of a request for case management and will instead do so by way of a motion for summary decision. Applicant meant no disrespect to the ALJ by making his earlier request.

The recordings which the Bureau claims show Applicant jamming, playing music, etc. show nothing of the kind. In all of said recordings, Applicant is operating his station legally and in full compliance with Part 97.

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<sup>8</sup> Homer, The Odyssey. Not even the ancient Greek king punished Odysseus for venturing too close to Scylla, while losing 6 men in the process, because *even he* had enough common sense, 3,000 years ago, not to second-guess Odysseus's attempt to sail the Strait of Messina. It is hoped that the ALJ will not be even more retrograde in his decisions herein than was the Greek king who ruled so long ago.

His transmissions are short, and all other participants in the roundtable QSO were free to say anything they wanted. No one was prevented from communicating anything they wanted to say. Clearly, it can be only the *substance* of Applicant's on-the-air statements that bothers the Bureau.

It should be noted that the recordings *presently* relied upon by the Bureau are *not* the ones it originally claimed showed Applicant jamming. Originally the Bureau falsely claimed that the "Alice's Restaurant" recording showed me jamming and playing music, but they dropped that claim, obviously because they found that the complaining amateur (Art Bell, W6OBB) concocted it. (Yet, the ALJ contends in 10M-04 that amateur radio operators don't lie! Clearly the ALJ has not had much contact with amateur operators. The ALJ should defer to Applicant's opinion on the subject, as well as the Premus and Boston cases, which held that amateurs *do* lie, because Applicant has 50 years of experience in dealing with lying amateur radio operators. It is patently ludicrous for the ALJ to attempt to second-guess Applicant on this issue because the ALJ obviously has no real-world, on-the-air experience with radio amateurs.)

Thus, none of the evidence specified by the Bureau discloses any Part 97 violation by Applicant. In addition, the Bureau has refused to comply with the discovery orders herein by providing Applicant with copies of said recordings, obviously because it knows they don't show Applicant violating Part 97, and that once he obtains copies, he will be able to successfully move for summary decision based upon them.

Accordingly, the *only* remaining possible reason for the Bureau to be illegally harassing me with this case is because they are retaliating against

my exercise of my free-speech rights in criticizing the administration of the Enforcement Bureau. As a U.S. citizen, I am entitled to criticize my government, and the Commission is not entitled to use its licensing system as a censorship regime. And I am *never* going to stop criticizing the Commission and the Enforcement Bureau until they stop being an outlaw, renegade agency.<sup>9</sup>

Both the general public and its licensees know the Commission is an outlaw agency, and for the ALJ to be in denial about it merely shows his immorality, his self-delusion and how far removed he is from everyday reality. For these reasons, the ALJ's claim that Applicant's arguments in this regard are spurious is itself immoral, fatuous, solipsistic and unsupported by any evidence whatsoever.

Contrary to the ALJ's phony claims in Order 10M-04, Applicant never previously suggested that the ALJ had not the moral qualifications to judge his character, but now he *does* so allege. Applicant is shocked that the ALJ would in Order 10M-04 deliberately and immorally mischaracterize his previous argument in order to cite him for contempt. Applicant previously

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9 Every objective observer recognizes that the Bureau and the Commission continually lie to the public and their licensees, contending that they are above the law and need not comply with court decisions and the Constitution. For example, only one day after the District of Columbia Circuit Court of Appeals ruled, in Comcast Corp. v. FCC (No. 08-1291, decided April 6, 2010) that the Commission has no ancillary jurisdiction to regulate the internet, the Chairman of the Commission held a press conference to announce, essentially, that the Commission was going to ignore the Comcast ruling and attempt to regulate the internet anyway. The Commission has lied to its amateur licensees for years by telling them that they have only the same limited free-speech rights as broadcasters, even though amateurs are prohibited from broadcasting. Although the courts forced the Bureau to grant a safe harbor to broadcasters for so-called "indecent" materials, the Commission continued to insist that amateurs enjoy no such safe harbor, even though amateurs have vastly *greater* free-speech rights than do broadcasters. And Applicant has already cited the case of Reston v. FCC, 492 F. Supp. 697, 699-700 (D.D.C. 1980), in which Commission counsel lied to the U.S. District Court judge in order to qualify for an F.O.I.A. exemption by advising the judge that ham radio operators broadcast when, in fact, they are *prohibited* from doing so under Part 97, §97.113(b). These are just a few examples of the continual, continuing FCC prevarication and misconduct that absolutely dismays its licensees.

argued merely that there exists *no probable cause* to inquire into his character herein, and that such an illegal and unauthorized inquiry violates the Fourth Amendment to the Constitution. In that regard, Applicant was merely trying to demonstrate that said argument was substantive and not merely technical. Applicant never previously claimed that the ALJ would not have the authority to judge his character, *were "character" properly in issue herein*. Instead, Applicant merely argued that, since "character" is not properly in issue, for very substantial reasons he does not desire the ALJ to judge his character. But with the issuance of Order 10M-04, all that has changed. Now the reason Applicant objects to the ALJ judging his character is that the ALJ has clearly demonstrated his own lack of morals herein, as well as being rather confused on a practical basis about what constitutes good character, having ruled that both a convicted child molester (Titus) and a convicted network hacker (Mitnick) have good character, but that Applicant has demonstrated bad character merely by exercising his free-speech rights.

It should be obvious why Applicant does not want the ALJ to decide the issue of his character when he is not required to have the ALJ do so (*i.e.*, because the ALJ is essentially an immoral person who has no business whatsoever judging Applicant's character), and that his argument is not merely technical but also substantive in nature. Again, Applicant is shocked that the ALJ would thus again deliberately and immorally mischaracterize his previous argument in order to create a record adverse to him.

Then the ALJ goes on to further gratuitously defame and disparage Applicant by calling him "hallucinatory", etc. Besides furnishing further proof of the ALJ's essential immorality, I should think the ALJ would realize

that such name-calling is beneath the very dignity which the ALJ insists that Applicant respect. But of course that is not how an outlaw agency or an immoral judge operates. No, an outlaw agency and an immoral judge seem to feel that they have the right to publicly disparage, defame and insult the Commission's licensees and other members of the public, and when those thus attacked object to such treatment or try to defend themselves, the immoral judge finds them in contempt.

The ALJ has thus constructed a perniciously-tilted playing field herein, where the Bureau and the ALJ are free to disparage, defame and deprecate him, but when Applicant tries to defend himself from said false charges the ALJ accuses him of contempt. Such rulings will *never* survive scrutiny by the District of Columbia Circuit Court of Appeals pursuant to 47 U.S.C. §402(b)!

**Paragraph 5.** The ALJ again deliberately and immorally distorts Applicant's argument by claiming he is complaining because he is *not* being included in a group of convicted felons such as Schoenbohm, Mitnick and Titus. The ALJ well knows that Applicant was claiming just the opposite: he was *objecting* to being placed in a group of convicted felons when I have never been charged with or convicted of any crime, whether felony or misdemeanor. Again, the ALJ deliberately and immorally distorts my argument in order to take a cheap shot, and make it appear that he actually knows what he is talking about when he does not, by defaming and disparaging me, thereby immorally and illegally attempting to "bootstrap" a character issue; to unfairly and immorally defame and disparage me merely because I have exercised my free-speech rights in criticizing the Commission; and to im-



morally create a distorted, unfair and adverse record on appeal. The ALJ's immorality and bad character are thus exposed to the world.

**Paragraph 6.** The ALJ elaims that, by stating Riley Hollingsworth traveled around the country on taxpayer-funded junkets in order to gratuitously attack and insult radio amateurs, and accuse of them of Part 97 violations before they had their day in court, Applicant was being "disrespectful and needlessly burdensome" and that there is no factual proof thereof. This is entirely untrue and incorrect, and again shows the ALJ's immorality in deliberately distorting the facts, and by ignoring both the record and Applicant's arguments. Applicant respectfully suggests that the ALJ re-examine Applicant's pleadings herein<sup>10</sup>, which clearly prove that Hollingsworth did just that.

*Of course* the Commission cannot use its character rule to engage in a witch hunt, and when the ALJ suggests otherwise it merely confirms the fact that he is an immoral person. This is clearly stated in its 1990 Character Statement, which the ALJ *supposedly* relies upon. The Bureau has offered no proof that Applicant ever jammed, played music or said anything "indecent", and the Commission cannot concoct a "character rule" violation exclusively by pulling on its own bootstraps. I merely defended myself against Hollingsworth's false and wrongheaded allegations. I am entitled to do that. I am not required to remain silent when a Bureau official falsely accuses me of Part 97 violations, and defending myself does not involve disrespect to the Commission when it was the Commission itself which initially raised the

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<sup>10</sup> See, for example, Applicant's Supplemental Responses to Enforcement Bureau's Requests for Production of Documents, Exhibits B-13, B-15, B-17. Many other examples of Hollingsworth's political, entirely self-serving, taxpayer-funded junkets appear on the internet. For example, on at least 3 occasions he soaked the taxpayers for round-trip plane fare to California, as well as the attendant hotel bills and meals, in order to spout his poppycock to the Pacificon "convention." Other examples are legion.

false, legally-punishable charges. If he has listened to the recordings relied upon by the Bureau, then the ALJ knows that there is absolutely no basis for the claim of Part 97 violations, and no character rule violation can possibly result from a falsely-accused licensee defending himself. This would amount to trial by ordeal, which is illegal in this country.<sup>11</sup>

The ALJ complains that I stated his knowledge of amateur radio law is deficient, and then he goes on to thoroughly and deliberately misinterpret the holdings in the Premus and Boston decisions. In addition, the ALJ simply ignores Title 31 U.S.C. §1342, which prohibits donations of labor to the federal government (which recordings not made by Commission personnel would be) and the legislative history of §154(f)(4) of the Communications Act, which Applicant has extensively briefed but which brief the ALJ apparently has not read, just as the ALJ immorally denied me the right to brief the "timely-filing" issue and as Riley Hollingsworth refused to read anything I said in my own defense. Therefore, either the ALJ's knowledge of amateur radio law is highly deficient, or the ALJ is so immoral, biased and prejudiced against Applicant, or both, that he is deliberately distorting the law and he should clearly therefore recuse himself herein. And yet the ALJ accuses Applicant of insulting him by challenging his knowledge of the law! It is simply time for the ALJ to be a *mensch* by either disqualifying himself herein or learning the amateur radio law.

The ALJ falsely and immorally claims in Order 10M-04, without citing any legal authority whatsoever, that he is not required to follow or apply any law except that emanating from the Commission. I therefore yesterday

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<sup>11</sup> Trial by ordeal had been eliminated in Britain by approximately 1350, and was thus not an element of the English Common Law which was adopted by our Constitution.

sent a copy of Order 10M-04 to my elected congressional representative so he can see what an outlaw, renegade agency the Commission is, and what an immoral, disreputable person the ALJ is, and asked him to initiate a hearing to investigate same, and that if he does initiate such a congressional hearing, that he call the ALJ as a prime adverse witness therein.

**Paragraph 7.** The ALJ alleges that Applicant's Motion to Vacate did not set forth sufficient grounds for a continuance. Applicant realizes that the ALJ has the authority to rule on said motion, and never claimed otherwise. Applicant did not commit any contempt by making said motion, nor does the ALJ claim in said paragraph that he did so.

**Paragraph 8.** The ALJ states, without any discussion, analysis or citation of legal authority whatsoever, that Applicant's claims of censorship<sup>12</sup> are without legal merit and that the Supreme Court's decision in City of Lakewood v. Plain Dealer is inapposite. This is obviously incorrect. Apparently the ALJ has not read, does not care about or illegally refuses to follow the District of Columbia Circuit Court of Appeals' recent decision in Fox Television, et al v. FCC<sup>13</sup>, in which the Court of Appeals strongly reiterated the continued vitality of the Lakewood rationale. Such a refusal to be bound by pertinent court decisions and the statutory law is, unfortunately, completely typical of the immorality and outlaw nature of the Commission, the Enforcement Bureau and the ALJ.

**Paragraph 9.** The ALJ grossly misinterprets the Commission's Policy Statements regarding character. The Policy statements do not permit a character issue to be lodged unless there is clear evidence of that the Appli-

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<sup>12</sup> Based on the case of City of Lakewood v. Plain Dealer Publishing Co., 486 U.S. 750, 771 (1988).

<sup>13</sup> No. 06-1760-ag, decided July 13, 2010; id. at p. 27.

cant was convicted of a felony or engaged in repeated violations of the Commission's Rules. But even though the ALJ has rather obviously failed to listen to the recordings specified by the Bureau as the evidence it intends to offer at the hearing herein, he does not hesitate to conclude that Applicant is guilty of such repeated violations. There can be only one explanation for such conduct by the ALJ: he is an immoral person who harbors unfounded animosity toward Applicant; who is insecure about his lack of legal knowledge and retaliates against anyone who adverts to it in any fashion; and is irredeemably biased and prejudiced against Applicant. It is time for the ALJ to end this unfair, illegal charade by disqualifying himself because he has amply demonstrated himself not to possess the moral standing necessary to be a judge of any kind, let alone to judge the character of a law-abiding, honest, taxpaying citizen like Applicant.

**Paragraph 10.** The ALJ steps up his obvious vendetta against Applicant by falsely and immorally accusing him of fraudulent behavior, misrepresentation and lack of candor. There is absolutely no evidence in the record to substantiate such allegations, and it merely represents another example of the ALJ's improper, supercilious, condescending and immoral attitude wherein the ALJ freely insults and defames not only Applicant, but other parties and witnesses who appear before him, all of whom are law-abiding taxpayers whose taxes are helping to pay the ALJ's salary. In other words, the ALJ is a power-hungry ingrate who is morally unqualified to be a judge. This is quite typical of the Commission's and the ALJ's obvious contempt for the American public, which has led directly to the present political situation wherein a majority of the American public no longer feels that the

federal government derives its powers from the consent of the governed.

The ALJ also makes a rather obvious logical error in claiming that a Commission licensee will likely violate the Commission's Rules unless the licensee respects the Commission. That is a completely phony argument. No informed person with any intelligence can respect the Commission because it is an outlaw, renegade agency which lies to the courts and its licensees and refuses to comply with court decisions and the Constitution. About the Commission, it is supremely true to state that "the more you know about them, the more you hate them". Licensees of the Commission uniformly find that familiarity with the Commission, its immoral, disrespectful, condescending, lying, supercilious employees, and their illegal policies, invariably breeds contempt for the agency. Again, it is time for the ALJ to simply be a *mensch* and admit that he is working for a phony, outlaw, renegade agency and stop trying to blame Applicant because he is stuck in such a terrible job. That was the ALJ's choice, and the ALJ's fault. Applicant had nothing to do with the ALJ's poor choice of employment. Although the ALJ could, perhaps, have found honest work in the private sector (it is questionable), he instead takes his frustration with his job out on Applicant. I resent that; it is immoral, unfair and illegal, and I intend to fight it all the way into the court system.

No Commission licensee with any substantial amount of intelligence or self-respect would follow the Commission's Rules out of respect for the Commission for the simple reason that it is an outlaw, renegade agency that *deserves* no respect. But *common sense* tells us there is another reason why I follow the Commission's rules: because I agreed to do so when I obtained

my amateur license, and I am a man of my word. The ALJ needs to familiarize himself with the Supreme Court's holding in FCC v. Fox Television, etc., et al, wherein Justice Scalia, writing for the majority, held that the Commission and its licensees need not submit empirical evidence to support an obvious, common-sense proposition<sup>14</sup>. Therefore, under the FCC v. Fox decision, it is only logical, and requires no empirical proof, to find that: (1) since nobody with any intelligence respects the Commission, respect for the Commission *cannot possibly* provide a basis for following its Rules, nor does the Commission *deserve* to have its Rules followed out of respect because it has not *earned* that respect; but (2) that licensees instead follow its Rules because, unlike the Commission and its employees, most licensees are honest, truthful and keep the agreement which they signed when they obtained their licenses to follow the Commission's Rules. Thus, it is a logical non-starter to suggest that disrespect for the Commission makes a licensee more likely to violate its Rules. Since virtually *all* of its licensees disrespect the Commission, the logical upshot of such a rationale would be that virtually *no* licensee would follow its Rules. That is an absolutely absurd suggestion, in addition to being demonstrably untrue in the real world and permitting the Commission to profit from its own wrong, and for the ALJ to suggest otherwise is merely another example of his apparent detachment from reality and his immorality, bias and prejudice against Applicant.

**Paragraphs 11 and 12.** The ALJ claims, citing §§4(i) and 309(e) of the Act [sic; the ALJ failed to mention Rule of Practice and Procedure §1.254<sup>15</sup>] that the burden of proof herein falls upon Applicant, but alleges

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<sup>14</sup> 556 U.S. \_\_\_\_ (2009) (at page 15 of the slip decision).

<sup>15</sup> 47 C.F.R., Chapter I, Part I, Subpart B, §1.254.

that Applicant contends otherwise, and attempts to ridicule and derogate Applicant's legal knowledge on said basis. Normally the burden of proof would be on Applicant, but not where, as herein, the Applicant is raising Constitutional issues. Moreover, the ALJ's contentions represent an immoral, bad-faith, malicious distortion of Applicant's previous arguments herein. Applicant *never* previously contended that the Bureau has the initial burden of proof herein, but instead merely that Applicant *can* support his burden of proof, and that once he does so the burden falls upon the Bureau, and it cannot conceivably support *its* burden. The only possible reason for the ALJ to so deliberately, obviously and blatantly distort Applicant's previous arguments on this issue is that he is an immoral, deceitful person who is operating from a deep reservoir of bias and hatred against Applicant.

But since the ALJ insists on immorally and disingenuously injecting the burden of proof issue into his ruling, let's analyze the issue a little further. The ALJ simply ignores the fact that Applicant is claiming the Commission's standardless licensing regime constitutes a prior restraint on both his on-the-air statements and his private activities in the nature of censorship. Indeed, the ALJ immorally claims neither he nor the outlaw agency is bound by the Constitution. Apparently the ALJ is either not as familiar with the law as he thinks he is, or he is deliberately refusing to apply the correct law and the Constitution due to his immorality, bias and prejudice against Applicant.

First, the federal courts have uniformly held (contrary to the ALJ's contentions) that the Commission *does indeed* have the authority and

responsibility to decide the constitutionality of its own regulations.<sup>16</sup>

Second, claims of facial overbreadth have been allowed against statutes and regulations which, as do §307(c)(1) of the Communications Act and the license renewal regulations promulgated thereunder, delegate standardless discretionary power to administrators, resulting in unreviewable prior restraints on first amendment rights.<sup>17</sup>

The U.S. Supreme Court has held that three procedural safeguards are essential for a licensing scheme to pass constitutional scrutiny: first, the licensor must decide whether to issue the license within a specified and reasonable time; second, prompt judicial review must be available in the event the license is erroneously denied; and third, the *censor* must bear the burden of going to court and must bear the burden of proof in court.<sup>18</sup> Thus, in addition to immorally and deceitfully retaliating against Applicant due to his improper animus, the ALJ is fundamentally wrong and misinformed about the burden of proof issue herein.

"The danger inherent in prior restraints is largely procedural, in that they bypass the judicial process and locate in a government official the delicate responsibility of passing on the permissibility of speech."<sup>19</sup>

The ALJ's rather obvious failure to understand, or unwillingness to

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16 Meredith Corp. v. FCC, 809 F.2d 863, 872; (D.C. Circuit, 1987), holding that the Commission is required to respond to the licensee's constitutional arguments and remanding the case to the Commission to consider the constitutionality of the licensee's arguments that the Fairness Doctrine was unconstitutional both on its face and as applied; WALT Radio v. FCC, 418 F.2d 1153, 1156 (D.C. Circuit, 1969), remanding the Commission's denial of the licensee's waiver request to the Commission to reconsider the First Amendment issue raised therein.

17 This doctrine was first enunciated by the Supreme Court in Thornhill v. Alabama, 310 U.S. 88 (1940) and has been consistently followed by the Supreme Court ever since. See, for example, Broderick v. Oklahoma, 413 U.S. 601, 612-613 (1973) and FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 223 (1990).

18 Freedman v. Maryland, 380 U.S. 51, 58-60 (1965).

19 Bernstein v. U.S. Department of State, 974 F. Supp. 1288 (N.D. Cal., 1997), at p. 1304.



apply, federal court decisions and constitutional law is typical of his immorality and his greatly-exaggerated opinion of his own legal knowledge. The ALJ simply needs to accept the fact that Applicant went to a better undergraduate school than he did; that Applicant graduated from a better law school than he did; and that Applicant successfully practiced law in the private sector for 38 years, while the ALJ apparently couldn't compete in private-sector law practice and therefore had to retreat to sucking at the public teat instead. *Anyone* can suck at the public teat, but it takes real skill, talent and intelligence to succeed in the private sector. The ALJ is thus rather obviously in denial about his own incompetence, as well as his ingratitude to the U.S. taxpayer, and immorally seeks to retaliate against anyone who mentions it.

**Paragraph 13.** Again, the ALJ deceitfully and immorally mischaracterizes the Commission's holding in the Premus<sup>20</sup> decision, which showed that ham radio operators clearly prevaricate, in order to make another phony, legally-unsupported attack on Applicant. The ALJ immorally and conveniently overlooks the facts in Premus that the complaining witness deliberately operated on CW ("continuous waves", or Morse code) in the middle of the 75 meter telephony band, running only 20 watts, and called "CQ" for extended periods of time, merely in order to irritate Premus and prevent him from using telephony mode<sup>21</sup> in the portion of the band designated for it. The Commission found that the complainant deliberately used such low power so he could claim that anybody else using the frequency, using a normal power level, was jamming him, which in itself caused serious interference to other

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20 In re: Myron Henry Premus, 17 FCC 251 (1953).

21 Id. at p. 255.

amateurs.<sup>22</sup> The gravamen of the complainant's case was his claim, which the Commission obviously disagreed with, that Premus interfered with other stations merely because the complainant considered him to be a "long talker"; i.e., his transmissions were longer than the complainant desired them to be<sup>23</sup>. Then the ALJ immorally and deceitfully fails to mention that, consistent with Applicant's claims, it was necessary for the Commission to have actual intercepts made by Commission personnel in order to prove its case.<sup>24</sup> The Commission found that the complainant lied to the Commission by failing to disclose the fact that he habitually monopolized the frequency in question, for no apparent purpose other than to try to set Premus up for an FCC enforcement case.<sup>25</sup> The Commission further found that the complainant subjected Premus to "considerable provocation" by following him around the 75-meter telephony band, trying to cause interference to him on whatever frequency he tried to utilize; that the complainant actually caused more interference to Premus than Premus caused to him; and that the complainant tried to deny or disguise his own conduct in filing his complaint against Premus.<sup>26</sup> Yet the ALJ immorally and deceitfully misconstrues the Commission's holding in Premus by claiming the Commission never said that hams lie about their fellow hams when they complain to the Commission. Again, the ALJ's conduct shows his essentially immoral nature, and that he will not hesitate to distort the holdings in FCC cases so as to screw Applicant. Nothing could be more clear than that the ALJ has not the moral standing to adjudicate this case, let alone Applicant's character, and he needs to

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<sup>22</sup> Id. at p. 255.

<sup>23</sup> Id. at p. 252.

<sup>24</sup> Id. at p. 253.

<sup>25</sup> Id. at p. 255.

<sup>26</sup> Id. at p. 255.

disqualify himself immediately.

**Paragraph 14.** Again displaying either his ignorance of the law or his immorality, bias and prejudice against Applicant, or both, the ALJ either fails to understand or deliberately distorts the holding in the FCC enforcement case of In re Richard Boston, Safety and Special Services Bureau Docket No. 87346 (July 29, 1977). In Boston, Safety and Special Services Radio Bureau Chief Higginbotham *specifically found* that amateurs will not hesitate to use false tape recordings and false call signs to try to get the Commission to revoke the licenses of amateurs they don't like, and that this type of perjury by amateurs is "**known to occur**"<sup>27</sup>. However, the ALJ, being essentially an immoral person, deceptively and conveniently omits that part of the Boston holding in order to create a record adverse to Applicant. Again, the facts and record herein are clear in showing that an immoral person like the ALJ has no business judging the character of an honest, law-abiding, taxpaying citizen like Applicant, and that he needs to disqualify himself herein without further delay.

Moreover, Riley Hollingsworth also admitted in his February 22, 2006 warning letter to licensee Steven Wingate, K6TXH, that "not all of the complaints [against Wingate] are valid, and some of the recordings are fake."<sup>28</sup> Yet the ALJ again immorally, deceitfully and conveniently overlooks Hollingsworth's admission and claims that harms do not lie. Nothing could be more clear than that, besides being plain wrong, such a deliberate ignorance and misreading of the law evinces the ALJ's deep-seated immorality, bias and antipathy toward Applicant.

<sup>27</sup> Boston at p. 3.

<sup>28</sup> Applicant's Supplemental Responses to Enforcement Bureau's First Request for Production of Documents, Exhibit II-25.

**Paragraph 15.** The ALJ falsely, immorally and deceitfully claims that Applicant was being less than candid merely because, in the first sentence of each of his Supplemental Answers to the Bureau's Interrogatories, he merely sought to preserve his objections thereto, and then proceeded to fully, completely and honestly answer each Interrogatory as ordered. Applicant is entitled to preserve his objections in this fashion, and had he not done so, he might well have waived same. Applicant intends to re-assert said objections on the eventual and inevitable appeals to the Commission and to the Washington, D.C. Circuit under 47 U.S.C. §402(b) herein, and therefore does not wish to waive his objections thereto. Moreover, the Enforcement Bureau answered Applicant's Interrogatories in exactly the same fashion, but the ALJ immorally and deceitfully permits them to do so with impunity under the illegal double-standard he has created herein. The ALJ is trying to create an immoral, illegal double standard under which Applicant must waive his objections to the Bureau's interrogatories or he will be held in contempt. This is merely another example of the ALJ's duplicitous, deceitful, immoral conduct for which he should clearly disqualify himself, as well as of the illegal, outlaw, renegade nature of the Commission.

**Paragraph 16.** The ALJ immorally and deceitfully lies by claiming that Applicant admitted transmitting any indecent materials. Applicant *never* admitted doing so. My answers to said interrogatories made it clear that I do not believe the Commission's indecency standard is legal or enforceable, and therefore it does not exist, so I am free to say whatever I want to on the air. In other words, there is *no such thing* as "indecency" in amateur radio. Applicant is entitled to discuss such matters as fellatio, cunnilingus, oral-

anal sex, conventional sexual intercourse, sex organs, excretory functions, homosexual sex, lesbian sex and the like on the amateur radio bands; there is absolutely nothing the ALJ or the Commission can do about it; and Applicant intends to continue to discuss such subjects whenever he feels like it. Obviously, the ALJ has either not read, or immorally intends to ignore, the Second Circuit's recent decision in the Fox v. FCC remand<sup>29</sup>, which *agreed with Applicant* that the Commission's indecency standard is illegal as unconstitutionally overbroad, *even as to broadcasters*. Therefore the Commission *has no* indecency rule to enforce, and for the ALJ to claim that Applicant "admitted transmitting indecent materials" represents a deliberate lie. Applicant is free to say whatever he wants to say on the air; he intends to continue to do so; and the Commission cannot second-guess what he says. The Fox V. FCC remand decision applies a fortiori to amateur operators because the Commission's authority to regulate the free-speech rights of broadcasters is based on the profitmaking nature of their enterprise and the limited number of available broadcast channels<sup>30</sup>, neither of which applies to amateur radio. The Commission simply has no public to protect in positing an indecency standard for amateur radio because amateurs are their own "public".

The ALJ's warm ventilation (Order 10M-04) continues by claiming that there is something illegal about playing recordings on the amateur radio. This is complete nonsense and another deliberate, immoral distortion of the law by the ALJ. Nothing in Part 97 prohibits the playing of recordings in the amateur service, and Applicant defies the ALJ to point out where it does. It is perfectly legal and permissible for amateurs to play recordings. In

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29 Docket Nos. 06-1760, etc., decided July 13, 2010.

30 Red Lion Broadcasting Co. v. FCC, 395 U.S. 367 (1969).

claiming otherwise, the ALJ is nothing but a liar.

The ALJ's highly-prejudicial, unfounded, illegal and wrongful defamation of Applicant continues when he suggests or implies there was something wrong or illegal about the message he left on the message board of Emily Burnham, K6WGB, yet, significantly, the ALJ deliberately and immorally fails to quote the actual content of said message. There was absolutely nothing wrong or illegal about what Applicant posted on Emily Burnham's message board. Applicant hereby challenges the ALJ to quote exactly what the message said, and explain why it was improper or illegal. The ALJ cannot do so because he is simply a liar. In making said accusation against Applicant, the ALJ again shows his immorality, his deceitfulness, and that he will stoop to any level to try to defame and disparage Applicant and deprive him of his rights. Obviously the ALJ is required to disqualify himself herein due to his highly-improper conduct, which is totally unworthy of someone associated with the judiciary.

Thus, the ALJ has deceitfully and immorally accused Applicant of making admissions he never made, and illegally and immorally refuses to recognize the Second Circuit's holding in the Fox v. FCC remand case. This is just part and parcel of the ALJ's immoral refusal to follow the law and court decisions and his deliberate distortion of the facts and record in order to prevent Applicant from having a fair hearing herein. It is therefore requested that the ALJ recuse himself without delay for such highly-immoral behavior.

**Paragraph 17.** The ALJ deceitfully and immorally accuses Applicant of impeding the hearing process with "harassment of opposing parties which

threatens the integrity of the Commission's licensing process". This is absolute poppycock. It is instead Riley Hollingsworth who is guilty of such harassment, by illegally telling other stations not to talk to me, by calling me a "dickhead", by trying to set me up for an illegal jamming violation, by calling my responses "irrelevant and frivolous" even though they were clearly responsive and pertinent, by admittedly refusing to read anything I said in my own defense and by pursuing an illegal vendetta against me simply because I pointed out his utter incompetence. It was Scot Stone who is guilty of harassment by illegally claiming I have bad character without any factual predicate for doing so. It was Bureau Counsel who have harassed me by falsely claiming my papers were filed on time when they were not, by attempting to distort the true nature of the Commission's character rule so as to include someone who has never been charged with or convicted of any crime, and by simply ignoring the ALJ's discovery orders. And it is the ALJ who continues to harass me by immorally and illegally accusing me of having bad character, of violating Part 97 when there is absolutely no proof thereof, by refusing to follow the pertinent court decisions, refusing to respect the U.S. Constitution and by running scared of the PSHSB, thereby trampling Applicant's constitutional and due process rights. It is instead the ALJ who has bad character herein. The ALJ is obviously nothing but an ingrate who has no respect for the public and Commission licensees, even though they are paying the taxes that provide his salary. It is the ALJ who is immorally feeding at the public trough while being a disgrace to the federal government. The ALJ is obviously in denial about what a complete ingrate he is. This alone betrays his immorality and bad character. Moreover, the

ALJ shows his utter incompetence by supposedly relying on "47 CFR §1.52" to support his contentions, when §1.52 says nothing of the kind. It instead only deals with the proper method of subscription and verification of pleadings. Furthermore, the ALJ's attempt to rely on 47 CFR §1.24 is entirely phony and fatuous because §1.24 applies only to attorneys who appear in a representative capacity before the Commission. Applicant is not appearing in a representative capacity herein; he is representing himself pro se. Again, we see displayed yet another example of the ALJ's immoral and desperate attempt to effectuate his biased and prejudiced attitudes against Applicant, and to victimize Applicant merely because he points out that Bureau Counsel and the ALJ are highly dishonest and incompetent. The ALJ is simply concocting his so-called "abuse of process" violation from whole cloth. There is no such doctrine, except in very special circumstances which do not apply to this case, nor can an "abuse of process" claim be supported by FCC bootstrap. Neither §1.24 or §1.52 say what the ALJ immorally claims they say. Thus, the ALJ again shows himself to be an immoral, deceitful person of bad character who has no business whatsoever serving in any judicial capacity, and by doing so brings great disrepute to the federal government. After the ALJ disqualifies himself herein, Applicant suggests that he resign from his position immediately in order to prevent further and unnecessary erosion of the public's opinion of our federal government.

**Paragraph 18.** Applicant has concocted nothing. The ALJ is simply an immoral liar in so claiming. The ALJ cites absolutely no legal authority for the proposition that the Enforcement Bureau and the ALJ are entitled to falsely degrade, disparage and defame him publicly, but that Applicant can-



not criticize them in defending himself. If Bureau Counsel and the ALJ don't like being called the liars and misereants they are, then they should never have started falsely disparaging Applicant. They started this disreputable behavior, and now they're showing themselves to be such weaklings that they cannot accept the same treatment they dish out. If Bureau Counsel or the ALJ had any sense of decency, they would apologize to Applicant for all of the unfounded defamatory statements they have made about him, but since they have no decency, of course they refuse to do so.

The ALJ and Bureau Counsel should bear in mind that their conduct toward Applicant in this case gives rise to liability for a deliberate and malicious violation of his civil rights under 44 U.S.C. §1983. Applicant's pleadings and statements herein are all fully-protected and absolutely privileged under the 5th Amendment and because they are compelled under Commission Rule 1.17, but Bureau Counsel's and the ALJ's misconduct is *not* privileged because it constitutes a malicious and illegal attempt to deprive Applicant of his civil rights under the Constitution. Not even judicial immunity protects a judge from liability in such circumstances.

**Paragraph 19.** The ALJ again betrays his illegal, immoral approach to the case by claiming that he has the right to modify the issues without regard to any time limits, so as to add the issue of Applicant's so-called "abuse of process" to the previously-enunciated issues herein. Yet when Applicant requested permission to modify the issues to add that of Riley Hollingsworth's abuse of discretion, the ALJ disallowed same under Rule 1.229 because Applicant had not made the motion within 20 days of the issuance of the Hearing Designation Order. Again, the ALJ is attempting to

construct an illegal, immoral, perniciously-tilted playing field where Applicant is guilty until proven innocent, and when he tries to defend himself he is found in contempt. It is not Applicant's "antics" or actions that are threatening the Commission's licensing process; it is the Bureau's and the ALJ's own illegal and immoral actions which are doing so.

The ALJ again shows his ignorance, immorality and venality by trying to liken my attempts to defend myself against the Commission's false and illegal charges to the licensee conduct appearing in David Ortiz Radio Corp. v. FCC, 941 F. 2d 1253 (1991), when that case is clearly distinguishable from the instant case on its facts. The applicant in Ortiz was found to have lied in his application about the availability of his proposed transmitting site,<sup>31</sup> while Applicant has *never* lied to the Commission about anything herein. Furthermore, the Commission found that Ortiz's business partner fraudulently impersonated an FCC official in order to examine the transmitter site of a rival applicant.<sup>32</sup> Applicant herein has never done anything of the kind. In addition to showing the strictly limited circumstances in which the "abuse of process" doctrine applies (none of which circumstances appear in this case), his purported "interpretation" of Ortiz shows just how immoral and duplicitous the ALJ really is in trying to illegally shaft Applicant. Again, the ALJ needs to disqualify himself without delay due to his patently outrageous conduct in thus attempting to violate Applicant's rights herein.

**Paragraph 20.** The ALJ claims that the recordings, sent to the Bureau by hams as a result of a concerted campaign by Riley Hollingsworth to

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31 Id. at p. 1255.

32 Id. at p. 1256.

concoct a case against Applicant, are admissible in evidence herein. They are not. Again, we see the ALJ's utter ignorance of the law in action. Only intercepts are admissible, and intercepts must be made by Commission personnel; otherwise they constitute a prohibited contribution of labor to the federal government under 31 U.S.C. §1342. It is clear that the ALJ either has absolutely no understanding of the law, or he deliberately and immorally ignores the law. Obviously, were ordinary recordings from amateurs admissible in evidence, there would have been no need to have added §154(a) to the Act in 1988. However, the ALJ is apparently either too obtuse to understand that argument or deliberately and immorally refuses to follow it. Moreover, the ALJ should be aware that the Bureau has failed and refused to comply with his discovery orders herein by continuing to refuse to provide copies of said recordings to Applicant as ordered. The Bureau simply ignores the ALJ's discovery orders and, despite Applicant having made four (4) motions to compel discovery, the ALJ has done nothing about it. I have emailed Bureau Counsel twice, and telephoned them once, to request them to send me copies of said recordings, but they have responded to neither my emails nor my telephone call. Obviously, the Bureau is resisting providing copies of the recordings because they know full well that they show Applicant operating his amateur station in a perfectly legal fashion, and if they provide the recordings to Applicant he will be able to move successfully for summary decision based thereon.

WHEREFORE, Applicant prays as follows:

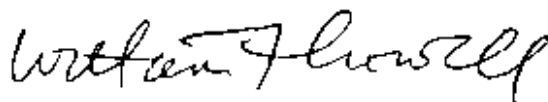
1. That the ALJ disqualify himself herein under Commission Rule 1.245. It is clear that the ALJ is dishonest, immoral, has a highly-improper

animus toward Applicant and is probably bordering on seculity. Such a person is entirely unqualified to judge the conduct or character of an honest, law-abiding taxpayer like Applicant.

2. In the event that the ALJ refuses to disqualify himself, that abuse of process charges indeed be added to the case with respect to the conduct of Riley Hollingsworth, Scot Stone, Judy Lancaster and the ALJ himself (but not Applicant's conduct, because Applicant has done absolutely nothing wrong) in illegally, wrongfully, deceitfully and immorally lying about Applicant, publicly defaming him for no reason whatsoever except that they have a vendetta against him, and for attempting to deny him his legal and constitutional rights herein without due process of law.

I declare under penalty of perjury that the foregoing is true and correct, and that all of the statements contained herein are absolutely privileged as being compelled by Commission Rule 1.17.

Dated: August 30, 2010



William F. Crowell, Licensee/Applicant

**PROOF OF SERVICE BY MAIL [47 C.F.R. Part I, Subpart A, §1.47]**

I am a citizen of the United States and a resident of El Dorado County, California. I am the Applicant-licensee herein. I am over the age of 18 years. My address is: 1110 Pleasant Valley Road, Diamond Springs, California 95619-9221.

On August 30, 2010 I served the foregoing Reply to Order to Show Cause and Petition to Disqualify ALJ on all interested parties herein by placing true copies thereof, each enclosed in a sealed envelope with postage thereon fully prepaid (Commission Secretary's copies sent by Overnight Mail), in the United States mail at Diamond Springs, California, addressed as follows:

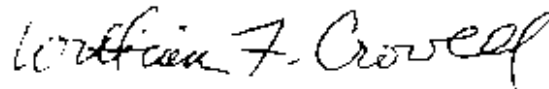
Marlene S. Dortch, Secretary, Federal Communications Commission  
445 - 12<sup>th</sup> Street S.W., Washington, D.C. 20554  
*(original and 6 copies)*

P. Michele Ellison, Chief, Enforcement Bureau, Federal Communications Commission  
445 - 12<sup>th</sup> Street, S.W., Washington, D.C. 20554

Federal Communications Commission, Enforcement Bureau  
Investigations and Hearings Division; ATTN: Judy Lancaster  
445 12th Street, S.W., Room 4-C330, Washington, D.C. 20554  
(Bureau Counsel)

I further declare that, on this same date, and pursuant to footnote 1 of the February 14, 2008 Order of Chief Administrative Law Judge Sippel, as well as the parties' agreed practice, I emailed electronic copies of the foregoing document to the Office of Administrative Law Judges and to Bureau Counsel.

I declare under penalty of perjury that the foregoing is true and correct, and that this proof of service was executed on August 30, 2010 at Diamond Springs, California.



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William F. Crowell